

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

AYLA OLER, individually and as Next Friend	)	
of A.O., and ALEXANDER OLER,	)	
	)	
Plaintiffs	)	Civil Action No.: 4:18-cv-2145 PLC
	)	
vs.	)	
	)	
CLUB DEMONSTRATION SERVICES, INC.)	)	
and DAYMON WORLDWIDE, INC.,	)	
	)	
Defendant	)	

MOTION TO DISMISS OF DAYMON WORLDWIDE, INC.

COMES NOW, Defendant, DAYMON WORLDWIDE, INC. ("Daymon"), by and through counsel, and states the following as its Motion to Dismiss:

1. Defendant Daymon admits that it is the parent corporation of CLUB DEMONSTRATION SERVICES, INC. ("CDS").
2. Defendant Daymon and CDS both admit that CDS was in charge of and responsible for the sample table and the employee of CDS who was running the sample table at the time of the incident alleged in Plaintiffs' Complaint.
3. Defendant Daymon denies having any relationship to the sample table or the employee who was working the sample table at the time of the incident described in Plaintiffs' Complaint.
4. Plaintiffs' Complaint alleges liability to Daymon based solely on Daymon being a parent corporation of CDS.

5. These allegations in and of themselves do not state a claim or cause of action against Defendant Daymon.

WHEREFORE, Defendant Daymon prays that the Court enter an order dismissing Plaintiffs' Complaint as against Defendant Daymon, and for any other orders the Court deems just and proper.

Respectfully submitted,

/s/ Scott C. Harper

Scott C. Harper, #31378

BRINKER & DOYEN, LLP

34 North Meramec - 5<sup>th</sup> Floor

St. Louis, MO 63105

314.863.6311 - Phone; 314.863.8197 - Fax

[harper@brinkerdoyen.com](mailto:harper@brinkerdoyen.com)

*Attorneys for Defendants*

#### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing was filed with the Court's electronic filing system, with notice of case activity to be generated and sent electronically by the Clerk of said Court on the 16th day of January, 2019, to all counsel of record.

/s/ Scott C. Harper